

Bills Passed
During the 104th Legislature
First Session

Bill #	Introducer	Description	Applicable Provisions	Effective Date
15e	Krist	Provide additional powers and duties for GALs	Supreme Court will adopt a Rule for Guardian Ad Litem in juvenile proceedings by July 1, 2015 GALs shall meet with juvenile in placement within 2 weeks of appointment, unless court approves another option. GAL will submit written reports for every hearing which meets statutory requirements. A checklist may substitute for the written report. A copy will be sent to the Foster Care Review Board. GAL's will be compensated per case, and will submit billing hours and expenses to the court.	4/30/2015
37	Krist	Prescription Drug Safety Act, penalties	Prescription Drug Safety Act, selling misbranded or adulterated drugs Class II misdemeanor Poison Control Act, unauthorized sale of poison under act class III misdemeanor	8/30/2015
43	Coash	Standby guardians and recovery of assets under Probate Code	Sec 2. Standby guardian can be appointed, effective upon death, unwillingness or inability to act, resignation or removal of guardian by the court. Sec 4. Guardian or other may apply to the court for recovery of assets	8/30/2015
72	Schumacher	Trustees, Medicaid lien reimbursements & inheritance tax	Trusts may not be disbursed after death of trustor until after notice to DHHS if trustor received Medicaid. Notice of death by mail to DHHS.	8/30/2015
87	Campbell	Membership of NE Children's Commission	Adds Commissioner of Education to Children's commission. Requires written report to governor, electronic to legislature	8/30/2015
92	Johnson	Agricultural Liming Materials Act, penalties	Complaint may be filed with the court re: agricultural liming materials not complying with act, may issue restraining order or injunction	Sections 1 & 6 operative 2/1/2016, remainder 8/30/2015
139	Johnson	Real Property Appraiser Act	Attorney general may file petition with the district court for a cease and desist order against any found in violation of the Real Property Appraisers Act.	
167	Mello	Office of Violence Prevention duties and use of funding	Submit annual report by November 1	8/30/2015
194	Seiler	Create Supreme Court Attorney Services Cash Fund	Statutory authorization of existing fund	8/30/2015

195	Seiler	Summons & garnishment orders on financial institutions	Eliminates language limiting garnishment to county where action is brought. - Allows financial institution to designate branch for service of garnishments to be posted on Dept of Banking and Finance website. If garnishment is not served on designated branch, the financial institution may not honor garnishment, but send address of designated branch	8/30/2015
207	Schilz	NE Chemigation Act, civil penalties and cost recovery	Civil penalty of \$1000/day for first offense, \$5000/day for subsequent offenses for chemigation without a permit, tampering with equipment or failure to report an accident. May be charged with misdemeanor offenses. District can recover cost if case is filed.	1/1/2016
219	Crawford	Uniform Deployed Parents Custody & Visitation Act	Court can order temporary caretaking or decision making responsibilities during deployment and assures visitation for deploying parent	8/30/2015
240	Hansen	UN Med Ctr. behavioral health program no longer a pilot	Extends services to September 2017	1/1/2016
243e	Bolz	DHHS pilot project related to family finding services	Establish a pilot program through 2019 to locate and empower family of juveniles	8/30/2015
245	Pansing-Brooks	DNA testing of biological material	Extends time for motion for new trial to 5 years, unless motion shows that new evidence was not available within time allowed	8/30/2015
247	Sullivan	Interest rate provision in Uniform Partnership Act of 1998	Interest rate under Uniform Partnership Act is set under 45-103	8/30/2015
265e	Campbell	Juvenile and child welfare provisions, OIG & Foster Care Review Office	Misdemeanor or infraction by juvenile may be filed in county court until 1-1-17. May be transferred to juvenile court. Foster Care Review may review and receive notice of juvenile justice cases. Bill authorizes access to sealed records for judges making decisions for transfer of a case to or from juvenile court. Creates the Out Of Home Data Pilot Project to gather information about placement	8/30/2015
268	Chambers	Death penalty	Eliminates death penalty and Class I felonies. Murder under the bill is a Class IA Felony. Allows for 2nd attorney to be appointed in IA cases.	8/30/2015

287	Haar	Provisions related to deaf & hard of hearing interpreters	Video remote interpreters must be licensed under Commission for the Deaf and Hard of Hearing. Civil penalties for violation may be filed with the court for collection.	8/30/2015
292	Coash	Central registry of child protection cases, amended in LB 290	Cases of child abuse are expunged from central registry if adult is found not at fault. Case where child is found w/o support is not included on registry if adult is found not at fault. Also removes requirement for e-mail, chatroom, etc. to be included on Sex Offender Registry forms	8/30/2015
294e	Scheer	Human Trafficking Victims Civil Remedy Act & related provisions	Conviction for Trafficking includes sentence to class on impact of prostitution. Labor trafficking penalties Class II if victim is under 16, IIA if force is used, IIIA for anyone who benefits or participates. Expands search warrants and subpoenas to cover corporations, partnerships, etc. in or outside Nebraska. Allows for electronic return of search warrant or subpoenas. Property used in trafficking can be forfeited. Human Trafficking Victim Assistance Fund is created.	8/30/2015
301	Chambers	Electronic distribution of court opinions	Allows Supreme Court to provide electronic distribution of court opinions in addition to or instead of in print	5/20/2015
304	Hansen	Dissolved Homeowners Assoc. Act, district court	If homeowners association dissolves the municipality can file petition in District Court to become custodian for care of common areas and private improvements	8/30/2015
314	Hansen	County Court jurisdiction	County court has exclusive jurisdiction regarding - Nebraska Uniform Custodial Trust Act - Under Sections 30-3401-3432 - Nebraska Uniform Transfers to Minors Act. Concurrent jurisdiction with District court regarding - Powers of Attorneys, Uniform Principal & Income Act, Uniform Testamentary Additions to Trust Act, except as relating to wills.	8/30/2015
320e	Bolz	Aging & Disability Resource Center Act	Includes benefits that may be available to wards of Office of Public Guardian	8/30/2015

330e	Larson	Powdered alcohol	Selling powdered alcohol is a class I misdemeanor * Possession of powdered alcohol 1st offense - Infraction \$300 fine, 2nd offense - IV Misdemeanor \$500 fine and up to 5 days jail, subsequent offenses III A Misdemeanor \$500 and up to 7 days jail. Does not apply to hospitals, colleges doing research * Adds pedal pub vehicles to alcohol licensees	8/30/2015
347	Krist	Expand jurisdiction of IG to cover juvenile justice system	Court may order individuals/agencies access to confidential information, including Inspector General of Nebraska Child Welfare Office. Order effective until child leaves custody of state or supervision of court. *Adds provisions to Office of Inspector General of Nebraska Child Welfare Office * IG investigates violations of statute or misconduct of employees of Juvenile Services, contractors or detention facility staff * Office may request info from juvenile services on death or injury of a child and OPA will respond within 5 days after approval by Supreme Court * Office may access records through subpoena * Office is allowed direct computer access to juvenile services * Reports on any investigation of Juvenile Services will be provided to probation administration within 15 days and is confidential unless released by Inspector General.	5/28/2015
390e	Crawford	Provide for use of medical marijuana, controlled substance changes	Updates list of controlled substances * Medical Cannabidiol Pilot Study allows UNMC to dispense marijuana to patients with seizures and report findings through 2019	8/30/2015
415e	Pansing- Brooks	Uniform Interstate Family Support Act provisions	Allows District Court to initiate transfer of support order to another state or country or receive a transfer. Outlines process	
422	Howard	Provide for fees & costs under Probate Code involving a minor	Fees for attorney, GAL, physician or visitor for a minor in a case filed under the Public Guardianship Act can be paid from the minor's estate, or by the county if no estate. Attorney fees can be collected from the petitioner if the case is found to be frivolous.	4/30/2015

439	Morfeld	NE Liquor Control Act penalty provision changes	Allows exception for criminal charge of procuring alcohol for a minor if the individual reported or provided aid in emergency medical situation.	8/30/2015
468e	Nordquist	Judges retirement benefit & contribution changes	Creates new tier of benefits for judges beginning July 1, 2015. Diverts some court fees from general fund to judge's retirement	8/30/2015
469e	Smith	Meteorological evaluation towers, provides penalties	Violation of requirements for meteorological evaluation towers is Class III misdemeanor. Each day is a separate offense.	5/30/2015
480	Harr	Change provisions related to Workers Compensation	Change provisions to workers comp act so that no compensation will be ordered if an employee falsely represented his/her physical or medical condition * sets rate for investments * trustee may invest funds, but if investment loses value the trustee must deposit additional assets	8/30/2015
482	Krist	Change provisions relating to juveniles	Facility for juvenile detention must comply with 83-4125, ingress & egress restricted through staff supervision only. Juvenile will not be placed in detention unless all community resources are exhausted and juvenile in the home is a risk. Restraints shall not be used in courtroom unless juvenile posts a risk of harm, flight or disruption to proceedings. Fingerprints will not be taken of juveniles. County attorney must make efforts to find community resources before filing a petition in juvenile court. Failure to note efforts in the petition may constitute a defense.	8/30/2015
500e	Howard	DHHS must submit Medicaid plan amendment, multi-systemic therapy (MST)	MST will benefit juveniles under Probation. A-bill reduces juvenile budget in FY16-17.	8/30/2015
504	Krist	Presentence reports and examination provisions	Adds treatment providers to list of those who can receive PSI reports * Court will allow inspection of PSI reports by prosecutor and defense * as of 7-1-2016 that inspection will be electronic	8/30/2015

539e	Watermeier	Legislative Audit Office & Auditor access to information, penalty	Auditor may order witness to testify * upon receipt of written request to provide material, the agency must provide the material, denial or explanation within 3 days * not providing info is a class III misdemeanor * Auditor is given access to confidential information if not specifically denied by federal or state law * auditor can issue subpoenas and order depositions as in district court civil actions * If a witness refuses to respond, the auditor may request a court order * anyone failing to comply with subpoena or deposition, or who hinders audit is guilty of a class II misdemeanor * Entity being audited and federal agency providing grant gets access to audit files. Auditor may exclude names of people providing information	8/30/2015
541	Crawford	Change DAS contract database related to disposal of expired contracts	Eliminates requirement for expired contracts which have been disposed of pursuant to records retention policies to be included in data base	5/28/2015
566	Coash	Indian Child Welfare Act and juvenile courts	Court shall inquire whether Indian child is involved in juvenile case prior to rights advisement * HHS and OPA must make active efforts to maintain family and cultural conditions, etc. * Tribe can intervene in a juvenile case without an attorney * Tribes attorney does not require a pro hac vice fee if not licensed in Nebraska * Bill outlines process for determining child's primary tribe * notice to parents and tribe of any case involving placement or termination of parental rights * Court must determine active efforts to provide services and programs must be made prior to removal of child * Bill outlines notice requirements under Indian Child Welfare Act * Agencies must enable child to have extended family time, including time with tribe and cultural events * Bill outlines possible reasons for good cause to vary from standard placement preferences * OJS will develop rules for reviewing cases subject to Nebraska Child Welfare Act.	8/30/2015

570	Brasch	Operation of golf car vehicles, penalty	Allows county or city to adopt ordinances governing operation of golf carts within its jurisdiction, including requirement for drivers license and insurance	8/30/2015
591e	Bolz	State Treasurer program to fund disability expenses for beneficiary	Includes benefits that may be available to wards of Office of Public Guardian	8/30/2015
598	Schumacher	DCS & segregation of inmates	Office of Inspector General of Correctional System Act * Office will develop rules re: inmate housing, ensure mental health evaluation within 2 weeks of incarceration * Office will provide annual reports * Bill outlines steps for Correctional System Overcrowding Emergencies to be taken when facility is at 140% of capacity	5/28/2015
605	Mello	Justice reinvestment	See next page.	8/30/2015
607e	Mello	Home Care Consumer Bill of Rights Act, penalty, AM1551 adds LB 335 & LB89	Changes payment levels for assistance, establishes Intergenerational Poverty Task Force	8/30/2015
627	Mello	Change NE Fair Employment Practice Act related to pregnancy	defines disability relating to pregnancy and childbirth and requires reasonable accommodations	8/30/2015
663e	Hadley, for the Governor	Judges salary increase	3.5% increase each year of the next biennium	5/21/2015

LB605/AM1530 AOC and AOP Impact Highlights 5/27/2015 Final Reading

The following highlights do not include changes in penalties and or changes in penalties for specific crimes. Also not included are changes unrelated to the Court or Probation

28-105 – Section on Criminal Code for Felonies

Section 6 -- Pages 11-13

- Adds new penalties including post-supervision release

28-106 – Section on Criminal Code for Misdemeanors

Section 7 -- Pages 13-15

- Modifies class IV misdemeanor
- Identifies where sentence will be served

29-2204 – Section on Penalties to be imposed by the Court

Section 60 -- Page 65-68

- Changes in penalties outlined
- Clarifies indeterminate sentences
 - Outlines Court requirements when pronouncing sentence

Section 61 -- Page 68-70

- Requires post release supervision
- Outlines Probation as a required sentence for a felony IV
- Defines exceptions
- Outlines requirements for a determinate sentence
- Requires minimum Post Release Supervision if not specified by Court

Section 62-- Page 70-71

- Allows for a D&E with DCS under a determinate sentence

29-2246 – Nebraska Probation Administration Act

Section 63-- Page 71-72

Adds Post Release Supervision to the definition of Probation

- Defines post release
- Defines Rules and Regulation

29-2252- Administrator Duties

Section 64-- Page 72-76

- Adds specific training requirements consistent with EBP
- Requires cooperation with Crime Commission (Community Corrections Division) for information
- Allows the ability to contract for evaluation
- Requires rules be promulgated for discharge of probationers considering risk and performance

- Requires a matrix be developed that includes rewards, administrative sanctions and custodial sanctions
- Requires rules for Post Release Plans in cooperation with jails and DCS

29-2252.01 - Requirements for a fiscal year report by AOP

Section 65-- Page 76-77

- Adds the Supreme Court to the distribution
- Adds restitution to the reporting requirements

29-2260 - Consideration by the Court at Sentencing

Section 66-- Page 77-78

- Adds the requirement of determinate sentencing and post-release supervision

29-2262 Conditions of probation by the Court

Section 67 -- Page 78-80

- Removes 180 days jail for felonies as a possible probation condition

29-2263 – Length of Probation

Section 68-- Page 80-81

- Adds post-release supervision

29-2266 – Administrative Sanctions

Section 69 -- Page 81-86

- Removes substance abuse or noncriminal violation in definition of administrative sanction
- Splits violation requirements between misdemeanor and felony
- Allows for custodial sanctions for felony violations 3-30 days
- Requires custodial sanctions be exhausted for substance abuse violations or non-criminal before formal revocation
- Requires notice to probationer and option for a hearing
- Adds custodial sanction as part of the motion by a county attorney
- Requires rules surrounding prompt reviews

29-2268 – Sentencing for a Revocation

Sec 70 -- Page 86-87

- Defines incarceration consequences for violation of post-release supervision limited to remaining time under supervision.

29-2281 – Restitution

Section 71 -- Page 87-88

- Adds earnings while incarcerated for Courts consideration

29-2308 - Appeals

Sec 72-- Page 8

- Adds the appellate court can overturn if a district court did not provide substantial or a compelling reason for not imposing probation

29-3523 Concerning Criminal History

Section 73-- Page 88-90

- Allows access to criminal history for research, evaluative or statistical reasons

28-1501 – Legislature

Section 76-- Page 91-94

- Adds Justice Reinvestment oversight committee
- Defines members
- Identifies responsibilities

60-6,197.03 – Laws and penalties applying to DUI

Section 77 -- Page 94-103

- Enhances penalties on 4 or more DUI to a class IIA
 - Not previously discussed in original LB605 or early amendments

81-1848 – Concerning Victims

Section 92-- Page 113-116

- Requires personal victim information not to be disclosed (page 115)
- Requires the Court to develop rules

83-184 – DCS inmates

Section 97 -- Page 122-123

- Requires the department with The Court Administrator to promulgate rules for transfer of restitution
- Defines sentencing order for restitution as a court order

83-1,107 - DCS Inmates

Section 101-- Page 126-129

- Requires rules by Administrator and Director for post-release supervision plan (page 129)

Section 108 -- Federal Law and Medicaid -- Page135-137

- Requires cooperation of AOP with DHHS concerning information sharing(page 137)